

Terrorism Policy in the Prevention and Eradication of Terrorism in Indonesia

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Abstract. The outbreak of terrorism in Indonesia is obviously very detrimental to Indonesian society as a whole. The criminal act of terrorism that has occurred forces the government, in this case law enforcement officials, to take steps (policies) related to the prevention and eradication of criminal acts of terrorism, so that these harmful acts of terrorism do not occur. The purpose of this study is to analyze the legal policy analysis of terrorism crimes in Indonesia. The words of this study are: What is the criminal justice policy in dealing with terrorism crimes in Indonesia and what is the disincentive in cracking down on terrorism in Indonesia? This research method with a prescriptive legal approach is carried out by reviewing legal literature and literature. The findings of this study are relevant to address the criminal acts of terrorist attacks in Indonesia. Various efforts have been made by the government, especially by taking action in accordance with the applicable legal process. The government has approached appropriate mechanisms through community leaders, religious leaders and all walks of life. That is, to give a correct understanding of the dangers of terrorism. Factors that hinder criminal prosecution in the investigation of criminal acts of terrorism are those of criminal prosecution, or less specialized criminal prosecution. Legal factors include violations of statutory principles and the absence of implementing rules that are indispensable for implementing the Anti-Terrorism Law. Factors of facilities and infrastructure, namely the backwardness of technology that is still very low, community factors in the form of low legal awareness, and cultural factors, namely public indifference, contribute to the rampant terrorism events in Indonesia.

Keywords: terrorism policy; indonesia law

1 Introduction

Indonesia is a country of law, a state that is in accordance with the ideals of the Indonesian nation must guarantee the independence of every individual in exercising human rights, as stated in the Preamble to the 1945 Constitution of the Republic of Indonesia. All Indonesians and mainland Indonesia, protection for all citizens, promoting the welfare of public life, educating the life of the nation, and participating in realizing world order based on independence, lasting peace, and social justice increases. One of the ideal forms of the Indonesian state is to maintain the continuity of national development in a safe, peaceful, and dynamic atmosphere both domestically and internationally. We must strengthen our defense against those who threaten our national stability.

One of the perceived threats to national stability is the crime of terrorism. Due to concerns over the issue of terrorism in Indonesia, the President of the Republic of Indonesia issued Presidential Decree Number 46 of 2010 concerning the National Counterterrorism Agency

(BNPT)4. This is entirely the responsibility of the President, and this organization was formed solely to assist other organizations such as Densus 88, the State Intelligence Agency (BIN), and the intelligence of the TNI and POLRI Polri. I am interested in counter-terrorism in Indonesia [1].

Because the law enforcement component is one of the main elements of terrorism crimes (2013, hereinafter) (hereinafter referred to as Law Number 9 of 2009), efforts to eradicate terrorism crimes must be prevented and eliminated. Law Number 9 of 2013 is an antiterrorism regulation established by the Government of Indonesia that focuses on preventing and eradicating criminal acts of terrorism [2].

Terrorism is one type of crime that causes great harm to the nation. The effects of injury can be felt directly or indirectly. The impact of direct damage can occur in the form of property damage around terrorist activities that inflict considerable damage, such as where bombs have been detonated. The greater the terrorist attack, the greater the direct damage. As a result of acts of terrorism, the condition of victims of terrorism causes anxiety and fear (trauma) in individuals or groups of individuals. Not only does it affect individuals and groups, but it can have a very broad impact on the economic, political, and sovereign life of a country. Terrorist attacks that are difficult to detect and have a high impact require serious preventive and mitigation measures for both the government and the public [3].

Terrorism is a threat to the survival of a country. Terrorist attacks are contrary to the ideology of the Indonesian nation. With the rise of terrorism, efforts must be made to eradicate it. Fighting terrorism with guns is not enough. One of the goals of counter-terrorism is to strengthen deterrence and strong deterrence against terrorists.

According to Adang Daradjatun, former Deputy Commissioner of Police of the Republic of Indonesia, "Terrorism would not have succeeded without the support of some form, such as keuangan assistance. Criminalization is important [4]. Indonesian law has the term *Nullum Crimen sine poena*. That is, no crime goes unpunished, which is very difficult because terrorism is no longer just an international crime, but rather an internationally organized crime. To end this kind of evil without cooperation and mutual understanding between nations [5].

Since Indonesia is a country of law, ending the chain of terrorism crimes must be based on the law in its application. Therefore, it is hoped that terrorist activities will not go as planned and there will be no more terrorist attacks in the country in the country. The question in this study is what is the criminal justice policy to deal with criminal acts of terrorism in Indonesia and what factors hinder the prosecution of terrorism crimes in Indonesia?

2 Theoretical Foundations

a. Theory of Criminal Acts

Wirjono Prodjodikoro argues that criminal acts are a violation of norms in three areas: civil law, constitutional law and state administrative law, and Congress will respond with criminal sanctions [6].

b. Theory of Punishment

The theory of punishment is a reference in this study. Andi Hamzah expressly gives the meaning of punishment is: Punishment comes from the basic word of the law, so it can be interpreted as establishing the law or deciding about the law (*berechten*) [7].

3 Methode Research

In this study in accordance with the problems raised, the author uses a normative type of juridical research, because in the juridical review of law enforcement in terrorist crimes, in addition to studying the applicable laws and regulations as well as legal facts that must be developed, researching and observing laws and regulations that apply positively in relation to criminal acts of terrorism [8]. The data analysis used in this study is qualitative analysis.

4 Discussion

a. Hukum Criminal Policy in Countering Crime Terrorism in Indonesia

The state is the highest legal entity on its territory and can enforce the rules in any way that allows and forces all residents living in the state not to violate the pre-established rules. A nation has an underlying philosophy and supreme law, and all applicable laws and regulations must be consistent and activate the highest legal principles.

There are many negative impacts caused by the problem of terrorism in the country, ranging from the decline of a sense of nationalism, fear of criminal acts of terrorism, mutual distrust between religious people, and psychological impacts for the younger generation of Indonesia. Such as victims of terrorism. His temper is still unstable. All these negative impacts directly disrupt the lives of people and the nation.

Of course, because terrorism is classified as an "unusual crime" and "a crime against unattainable methods or torture". Uncovering and overcoming this one crime epidemic will require tremendous efforts from various parties, both governments and communities. Even if the lofty ideals of coexistence we create are not realized [9].

Criminal acts of terrorism interfere with the safety and security of the people and are a serious threat to the sovereignty of the state. Therefore, to ensure a safe, peaceful, and prosperous life, it is necessary to plan and continue to prevent and eradicate criminal acts of terrorism.

Efforts to amend the Law on Terrorism also continue to be carried out by the government and related parties. This is Law Number 9 of 2013 and aims to increase legal certainty in law enforcement, avoiding and protecting from different interpretations. Responding to societal efforts to prevent and eradicate terrorism requires synergy from all actors. In Indonesia, the use of criminal law as a means of eradicating crime does not seem to be a problem. The only question is the ideal policy or approach to using criminal law as a tool [10].

Regarding the prevention of terrorism in Indonesia, the Government has made various efforts, especially by taking steps that are in line with the applicable legal process. The government has approached through appropriate mechanisms through community leaders, religious leaders and all walks of life. In other words, to correctly understand the dangers of terrorism.

The Indonesian government's prudence in preventing and combating terrorism is evidenced by its positive policies and actions related to the Bali events of October 12, 2002: [11].

- a. Intelligence. Intelligence operations are coordinated by Badan National Intelligence (Presidential Regulation 34 of 2010). The National Intelligence Agency has established a Joint Analytical Terrorist (JAT) to coordinate intelligence operations in Indonesia and uncover terrorist networks. Further strengthen intelligence cooperation with domestic and foreign intelligence agencies through the exchange of information and other

assistance. To limit the scope of terrorism activities, the Government will continue to urge relevant agencies to improve control and surveillance of the movement of people and goods in airports, seaports, and border areas. Country.

- b. SM TNI and POLRI improved the performance of counterterrorism forces. Efforts to arrest suspected terrorist networks in Indonesia under the current law remain controversial by some community groups, and comments in the mainstream media are mixed under foreign pressure. Comments added. In addition, the administration and use of explosives, chemicals, firearms and ammunition is controlled and supervised by the TNI, Polri, and government agencies. In addition, the TNI, Polri, and government agencies work with academics, community leaders, and religious leaders to conduct in-depth research.
- c. International Cooperation We have various cooperations with countries such as Thailand, Singapore, Malaysia, Philippines, Australia, USA, UK, Canada, France and Japan. The unresolved extradition issue between the Singapore and Indonesian governments affects the unity and unity of the nation.

b. Factors that hinder the enforcement of terrorism laws in Indonesia.

Law enforcement is not only about law enforcement, but also the factors that influence it. According to Soerjono Soekanto, there are five factors that influence law enforcement efforts [12]:

1. Because the concept of justice is an abstract formulation while legal certainty is a normatively defined process. A completely unlawful policy is acceptable as long as it does not conflict with the law.
2. Law Enforcement Factors This structural element indicates the existence of institutions created by the legal system. These institutions have their own criminal laws. Summing up, we can say that this structural element gives an idea of how the legal system should work.
3. Facility Factor A facility can be formulated as a physical means that acts as a supporting factor in achieving a goal. Supporting facilities include software and hardware.
4. Community. Every citizen or group must have a legal awareness that is high, medium or low compliance. Legal awareness is known as a process that involves legal knowledge, legal attitudes, and legal acts. It can be said that the level of compliance of society is an indicator of the functioning of the law in question. In other words, if society has a high degree of compliance with a rule, then the regulation really works.
5. Cultural Factors As a result of human initiative work, creation and taste in social life. The many cultural differences can lead to specific perceptions of law enforcement. Law enforcement agencies have to localize because it is very difficult to adjust cultural differences.

The prosecution factors that hinder prosecution in countering criminal acts of terrorism are the prosecution factors: unprofessional prosecution, relatively low ambition, lack of innovative power, and suboptimal counterterrorism actions. Legal factors include violations of statutory principles and the absence of implementing rules that are indispensable for implementing the Anti-Terrorism Law. Factors of facilities and infrastructure—the lack of adequate technology for law enforcement officials to address—will contribute to the rise of terrorists. The community factor is low legal awareness and the cultural factor is the indifference of society that causes the rampant terrorism events in Indonesia.

5 Conclusion

Terrorism is an extraordinary crime or threat to national and national security that needs to be taken into account in such a way as to maintain national or international stability against acts of terrorism. Prevention and control of criminal acts of terrorism requires comprehensive cooperation through coordination between government agencies, the private sector or other civil society organizations, because support and coordination in detecting and overcoming various terrorism problems can be easily overcome. In addition, it is necessary to cooperate with foreign counterterrorism institutions, which of course are based on a legal framework, because with a solid legal foundation, it will be the basis for national terrorism eradication policies.

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